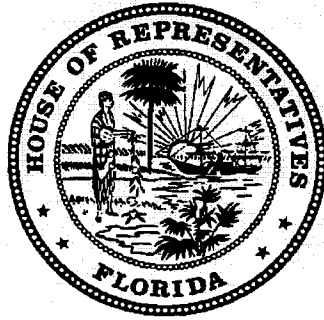


Committee on Environmental Regulation

**Wednesday, February 22, 2006
1:30 – 4:30 PM
212 Knott**



AGENDA

Environmental Regulation Committee

February 22, 2006

1:30 p.m. – 4:30 p.m.

212 Knott

- I. Call to Order/Roll Call
- II. Opening Remarks
- III. HB 189 CS by Williams – Building Designations
- IV. HB 261 by Stansel – Florida Incentive-based Permitting Act
- V. HB 705 by Littlefield – Surplus State Lands
- VI. Presentation of committee interim report regarding moored vessels in the path of a storm
- VII. Presentation on boater characterization study as it relates to sitting and Economic issues – James H. Fletcher, Director of Agricultural and Extension Services, University of FL/IFAS Extension
- VIII. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 189 CS
SPONSOR(S): Williams and others
TIED BILLS:

Building Designations

IDEN./SIM. BILLS: SB 162

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Governmental Operations Committee</u>	<u>4 Y, 0 N, w/CS</u>	<u>Brazzell/Mitchell</u>	<u>Williamson</u>
2) <u>Environmental Regulation Committee</u>	<u></u>	<u>Perkins <i>RMP</i></u>	<u>Kliner <i>M</i></u>
3) <u>State Administration Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The bill designates the entire site at 2600 Blair Stone Road in Tallahassee, Florida, which houses a building and a laboratory facility for the Department of Environmental Protection, as the "Bob Martinez Center" and directs the Department of Management Services to erect suitable markers.

The bill does not appear to have a fiscal impact on local governments and has an insignificant fiscal impact on state government.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 267.062, F.S., prohibits the naming of any state building, road, bridge, park, recreational complex, or other similar facility for any living person except as specifically provided by law.

Robert "Bob" Martinez served as Florida's 40th Governor from 1987-1991, the state's first Governor of Hispanic descent. Governor Martinez was also the second Republican governor since Reconstruction. He was born and raised in Tampa, later attending the University of Tampa. He served as mayor of Tampa for seven years. As Governor, he championed the Surface Water Improvement and Management Act (also known as the SWIM program), which established uniform policies for managing and protecting Florida's surface waters. He also supported an innovative solid waste disposal program.¹

Effect of Proposed Change

The bill provides that a site located at 2600 Blair Stone Road in Tallahassee, Florida, housing a building and a laboratory facility for the Department of Environmental Protection, be designated the "Bob Martinez Center" and directs the Department of Management Services to erect suitable markers.

C. SECTION DIRECTORY:

Section 1 Designates the Bob Martinez Center and directs suitable markers to be erected.

Section 2 Provides an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None. This bill does not create, modify, amend, or eliminate a state revenue source.

2. Expenditures:

Funding for suitable markers is required. The Department of Management Services estimates the cost at approximately \$30,000.² Final costs, however, will depend on the type of markers erected.

¹ Allen Morris & Joan Perry Morris, *The Florida Handbook*, 2005-2006 325-326 (30th ed. 2005).

² Fla. Dep't of Mgmt. Serv., HB 189 (2006) Staff Analysis (Dec. 12, 2005) (on file with dep't).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None. This bill does not create, modify, amend, or eliminate a local revenue source.

2. Expenditures:

None. This bill does not create, modify, amend, or eliminate local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On January 11, 2006, the Governmental Operations Committee adopted a strike-all amendment and reported the bill favorably with committee substitute. Since there is an office building and a laboratory at 2600 Blairstone Road in Tallahassee, Florida, the strike-everything amendment designates the entire site as the Bob Martinez Center.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. 0189

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Environmental Regulation
Representative Needelman and Pickens offered the following:

Amendment (with title amendments)

Remove line 24 and insert:

Section 2. E.H. "Gene" Downs Building designation;
Department of Agriculture and Consumer Services to erect
suitable markers.--

(1) The Unit No. 2 Packing House Building at the Palatka
State Farmers' Market is designated as the "E.H. 'Gene' Downs
Building."

(2) The Department of Agriculture and Consumer Services is
directed to erect suitable markers designating the E.H. "Gene"
Downs Building as described in subsection (1).

Section 3. This act shall take effect July 1, 2006.

===== T I T L E A M E N D M E N T =====

Remove line 11 and insert:

markers; designating the Unit No. 2 Packing House Building at
the Palatka State Farmers' Market as the "E.H. 'Gene' Downs

000000

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 Building"; directing the Department of Agriculture and Consumer
22 Services to erect suitable markers; providing an effective date.

000000

HB 189

2006
CS

CHAMBER ACTION

The Governmental Operations Committee recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to building designations; designating the Department of Environmental Protection building and laboratory on the site at 2600 Blair Stone Road in Tallahassee as the "Bob Martinez Center"; directing the Department of Management Services to erect suitable markers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Bob Martinez Center designated; Department of Management Services to erect suitable markers.--

(1) The site at 2600 Blair Stone Road in Tallahassee, which houses offices and a laboratory facility for the Department of Environmental Protection, is designated as the "Bob Martinez Center."

(2) The Department of Management Services is directed to erect suitable markers designating the Bob Martinez Center as described in subsection (1).

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

HB 189

2006
CS

24 | Section 2. This act shall take effect July 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 261

Florida Incentive-based Permitting Act

SPONSOR(S): Stansel

TIED BILLS:

IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environmental Regulation Committee		Perkins <i>RP</i>	Kliner <i>CK</i>
2) Agriculture Committee			
3) Agriculture & Environment Appropriations Committee			
4) State Resources Council			
5) _____			

SUMMARY ANALYSIS

The bill creates the Florida Incentive-based Permitting Act. The purpose of the act is to provide the Department of Environmental Protection (DEP) with authority to consider the compliance history of a permit applicant who has applied for an incentive-based permit. Incentive-based permits include Level 1 and Level 2 incentives which include longer permit durations, expedited permit reviews, short-form permit renewals, and other incentives to reward and encourage continued compliance with state environmental regulations.

The bill provides authorization to DEP to develop rules associated with Level 1 and Level 2 incentives. The bill also encourages DEP to work with permittees and permit applicants to encourage compliance with regulatory requirements in order to avoid burdensome and expensive consequences of noncompliance.

The bill provides that Level 1 and Level 2 incentives are applicable to coastal construction permitting activities, consumptive use permitting, and construction permitting activities associated with management and storage of surface waters.

The bill amends the authority of DEP to revoke permits pursuant to certain conditions.

The bill does not appear to have a significant fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government: The bill streamlines the permit and renewal process conducted by DEP by establishing incentives to permit applicants with a history of compliance with permit conditions, requirements, and environmental laws of this state.

Promote personal responsibility: The bill addresses personal responsibility by creating incentives for compliance with the permit conditions, requirements, and environmental laws of this state.

B. EFFECT OF PROPOSED CHANGES:

Issue – Incentive-based Permitting Program

Present Situation

The State of Florida regulates the impacts of certain activities on the environment primarily through three chapters of the Florida Statutes: Chapters 403, 161, and 373, F.S.

Chapter 403, F.S., is known and cited as the “Florida Air and Water Pollution Control Act.” It is a matter of public policy of the state to protect and conserve the waters of the state along with maintaining safe levels of air quality for the citizens, wildlife, and aquatic life.¹ DEP is responsible for issuing permits for stationary installations that are reasonably expected to be a source of air and water pollution.² Section 403.087(3), F.S., provides for a regulatory incentive for compliance with existing regulations to include a financial incentive available for a renewal of an operation permit for a domestic wastewater treatment facility provided the facility meets certain conditions.

Parts I and II of Chapter 161, F.S., is known and cited as the “Beach and Shore Preservation Act.” The 825 miles of sandy coastline fronting the Atlantic Ocean, the Gulf of Mexico, or the Straits of Florida are considered by many to be part of Florida’s most valuable natural resources. In order to protect, preserve, and manage Florida’s sandy beaches and adjacent coastal systems, the Legislature adopted the Beach and Shore Preservation Act, contained in Parts I and II of Chapter 161, F. S.³ For instance, any coastal construction, reconstruction of existing structures, or physical activity undertaken specifically for shore protection purposes upon sovereignty lands of Florida requires a coastal construction permit issued by DEP.⁴

Chapter 373, F.S., is known and cited as the “Florida Water Resources Act of 1972.” It is a state policy that the waters in Florida be managed on a state-wide and regional basis because water constitutes a public resource benefiting the entire state.⁵ Prior to construction or alteration of any stormwater management system, dam, impoundment, and reservoir appurtenant work, the DEP or the governing board of a water management district may require a permit authorizing the construction or alteration activity.⁶

¹ s. 403.021, F.S.

² s. 403.087, F.S.

³ <http://www.dep.state.fl.us/beaches/programs/about.htm>

⁴ s. 161.041, F.S.

⁵ s. 373.016(4)(a), F.S.

⁶ s. 373.413, F.S.

Through its own administrative rules the DEP lists standards for issuing, or denying, permitting applications.⁷ The DEP does consider an applicant's violation of DEP rules and regulations, but there is no administrative rule that allows for the consideration of continued compliance with existing environmental standards in Florida Statutes or the Florida Administrative Code.

Effect of Proposed Change

The bill creates section 403.0874, F.S., as an act to be known and cited as the Florida Incentive-based Permitting Program. The purpose of the act is to provide DEP with authority to consider a history of regulatory compliance by an applicant when DEP is considering whether to issue or reissue a permit to the applicant. It is incumbent on the applicant to request incentives as part of the permit application. Unless otherwise prohibited by state or federal law, agency rule, or federal regulation, and provided the applicant meets all other applicable criteria for the issuance of a permit, an applicant meeting the specified criteria qualifies for the following incentives:

Level 1 Requirements:

Applicant shall be entitled to incentives at a site based on the following:

- If the applicant conducted the regulated activity for at least 4 of the 5 years preceding submittal of the permit application or,
- If the activity is a new regulated activity, the applicant conducted a similar regulated activity under an agency permit for at least 4 of the 5 years at a different site in the state preceding submittal of the permit application.

An applicant shall not be entitled to incentives if the applicant has a history that includes any violation that resulted in enforcement action and the violation resulted in significant harm to human health or the environment at the subject site. Alleged violations shall not be considered unless a consent order or other settlement has been entered into or the violation has been adjudicated.

Level 1 Incentives:

- **Automatic Renewal of Permit:** A renewal of a permit shall be issued for a period of 5 years. In addition, after notice and opportunity for public comment, the permit may be automatically renewed for an additional 5 years without DEP action unless DEP determines, based on information submitted by the applicant or resulting from the public comments or its own records, that the applicant has committed violations during the review period that disqualify the applicant from receiving the automatic or expedited renewal.
- **Expedited Permit Review:** Processing time following receipt of a completed application shall be 45 days for the issuance of DEP action.
- **Short-form Renewals:** Renewals of permits not involving substantial construction or expansion may be made upon a shortened application form specifying only the changes in the regulated activity or a certification by the applicant that no changes in the regulated activity are proposed if that is the case.

Level 2 Requirements:

Applicant shall be entitled to incentives at a site based on the following:

- If the applicant meets the requirements for Level 1, and
- If the applicant takes any other actions not otherwise required by law that result in:
 - a. Reduction in actual or permitted discharges or emissions;
 - b. Reduction in the impacts of regulated activities on public lands or natural resources;
 - c. Waste reduction or reuse;
 - d. Implementation of a voluntary environmental management system; or
 - e. Other similar actions as determined by DEP rule.

⁷ Rule 62-4070, F.A.C.

Level 2 Incentives:

- May include all Level 1 incentives.
- Issuance of 10 year permits, provided the applicant has conducted a regulated activity at the site for at least 5 years.
- Fewer routine inspections than other regulated activities similarly situated.
- Expedited review of requests for permit modifications.
- DEP recognition, program-specific incentives, or certifications in lieu of renewal permits.
- No more than two requests for additional information.

The bill requires DEP to enter into rulemaking within six months after the effective date of this bill for Level 1 and Level 2 incentives. The rule is to specify incentives, qualifications, and how extended permits may be transferred. Incentives will not be available to permit applicants until the implementing rules are adopted.

The bill encourages DEP to work with applicants and permittees to encourage compliance in order to avoid the costly consequences associated with noncompliance activities.

The bill expands current statutory language to provide for Level 1 and Level 2 incentives to be applicable to permitting of coastal construction activities identified in Chapter 161, F.S., consumptive use permits in section 373.219, F.S., and permitting construction activities associated with management and storage of surface waters in part IV of Chapter 373, F.S.

Issue – Revocation of Permits

Present Situation

Section 403.087, F. S., is the statutory authority which relates to the general issuance, denial, revocation, prohibition, and penalties associated with permits issued by DEP. Section 403.087(2), F.S., authorizes DEP to adopt, amend, or repeal rules for the issuance, denial, modification, and revocation of permits under this section. Chapter 62-4.100, F.A.C., provides that DEP revocation shall not become effective except after written notice is served by personal service, certified mail, or newspaper notice and upon the person(s) named therein and a hearing held, if requested, within the time specified within the notice.

Effect of Proposed Change

The bill amends section 403.087(7), F.S., to provide that DEP may revoke a permit only if the permitholder commits one of the listed acts.

The table below illustrates a comparison of the current law and the proposed language in the bill:

Section 403.087(7) F.S.	
A permit issued pursuant to this section shall not become a vested right in the permittee. The department may revoke any permit issued by it if it finds that the permitholder:	
CURRENT LAW	PROPOSED LAW
(a) Has submitted false or inaccurate information in his or her application;	(a) Has submitted <u>material</u> false or inaccurate information in <u>the</u> application <u>for such permit when true or accurate information would have warranted denial of the permit initially;</u>
(b) Has violated law, department orders, rules, or regulations, or permit conditions;	(b) Has violated law, department orders, rules, or regulations, or conditions <u>directly related to such permit;</u>
(c) Has failed to submit operational reports or other information required by department rule or regulation; or	(c) Has failed to submit operational reports or other information required by department rule or regulation <u>directly related to such permit;</u> or
(d) Has refused lawful inspection under s. 403.091.	(d) Has refused lawful inspection under s. 403.091 <u>at the facility authorized by such permit.</u>

Note: Bold underlined text is proposed statutory language.

C. SECTION DIRECTORY:

- Section 1. Creates s. 403.0874, F.S., to provide a section name, legislative findings and public purpose, definitions, compliance incentives, and rulemaking.
- Section 2. Creates s. 161.041(5), F.S., to provide that the Incentive-based Permitting Program provisions of s. 403.0874, F.S., are applicable to all permits issued under Chapter 161, F.S.
- Section 3. Creates section 373.219(3), F.S., to expand Incentive-based Permit Program provisions to consumptive use permits.
- Section 4. Creates s. 373.413(6), F.S., to provide that the Incentive-based Permitting Program provisions of s. 403.0874, F.S., are applicable to permits issued under part IV of Chapter 373, F.S.
- Section 5. Amends s. 403.087 (7), F.S., relating to revocation of permits.
- Section 6. Provides the bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues: None.

2. Expenditures:

Non-recurring Effects: This bill includes rulemaking authority to implement the bill's provisions. Rulemaking costs will be insignificant and non-recurring. These costs include DEP's efforts to publicize a proposed rule through mail-outs and public workshops around the state, as well as costs associated with publication and process requirements pursuant to Chapter 120, F.S.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill provides an opportunity for a cost savings associated with obtaining and renewing a permit for an eligible permit applicant. The issuance of the permit may be expedited and in some cases, may be automatically renewed.

D. FISCAL COMMENTS:

DEP states that the bill may encourage non-compliance with environmental regulations which could result in increased response costs and possibly increased costs for compliance/enforcement staff. In addition, DEP states that the time in which the permits must be reviewed will be greatly reduced, causing a need for additional permitting staff to do the reviews, or resulting in backlogs which will have substantive and fiscal consequences to the department and to permit applicants. The funding DEP receives from permit fees may be reduced.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other: None.

B. RULE-MAKING AUTHORITY:

DEP would be required to create additional rules for the implementation of this act.

C. DRAFTING ISSUES OR OTHER COMMENTS:

DEP Comments:

DEP reports that under current law, it is unusual in state licensing/certification/permitting procedures for an agency to provide incentives to applicants to comply with existing legal requirements. DEP indicates that after having discussions with the Department of Highway Safety and Motor Vehicles and the Department of Business and Professional Regulation concerning drivers and business licensing issuance and renewals, neither agency provides incentives to applicants merely because the applicants have obeyed relevant laws and regulations. DEP maintains this bill allows incentives too easily to be obtained, revocations more difficult, and restricts the scope of the agency review of permit applications. DEP reports that the bill may exclude certain programs from the incentive provisions if federal law or regulation would otherwise prohibit those incentives and the bill may impact DEP's siting certifications under Chapter 403, F.S.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

HB 261

2006

A bill to be entitled

An act relating to the Florida Incentive-based Permitting Act; creating s. 403.0874, F.S.; providing a short title; providing legislative findings; providing purposes; providing definitions; providing for an Incentive-based Permitting Program; providing compliance incentives for certain environmental permitting activities; providing requirements and limitations; providing for administration by the Department of Environmental Protection; requiring the department to adopt certain rules; amending ss. 161.041, 373.219, and 373.413, F.S.; specifying application of Incentive-based Permitting Program provisions; amending s. 403.087, F.S.; revising criteria for department permit issuance to conform; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 403.0874, Florida Statutes, is created to read:

403.0874 Incentive-based Permitting Program.--

(1) SHORT TITLE.--This section may be cited as the "Florida Incentive-based Permitting Act."

(2) LEGISLATIVE FINDINGS; PUBLIC PURPOSE.--

(a) The Legislature finds and declares that a permit applicant's history of compliance with applicable permit conditions and requirements and the environmental laws of this state is a factor that should be considered by the agency when

29 the agency is considering whether to issue or reissue a permit
30 to an applicant, based upon compliance incentives under this
31 section.

32 (b) Permit applicants with a history of compliance with
33 applicable permit conditions and requirements and the
34 environmental laws of this state should be eligible for longer
35 permits, expedited permit reviews, short-form permit renewals,
36 and other incentives to reward and encourage such applicants.

37 (c) The agency is encouraged to work with permittees and
38 permit applicants to encourage compliance and avoid burdensome
39 and expensive consequences of noncompliance.

40 (d) It is therefore declared to be the purpose of this
41 section to provide the agency with clear and specific authority
42 to consider the compliance history of a permit applicant who has
43 applied for an incentive-based permit.

44 (3) DEFINITIONS.--For purposes of this section:

45 (a) "Agency" means the Department of Environmental
46 Protection.

47 (b) "Applicant" means the proposed permittee or
48 transferee, owner, or operator of a regulated activity seeking
49 an agency permit.

50 (c) "Environmental laws" means any state or federal law
51 that regulates activities for the purpose of protecting the
52 environment, or for the purpose of protecting the public health
53 from pollution or contaminants, but does not include any law
54 that regulates activities for the purpose of zoning, growth
55 management, or land use. The term includes, but is not limited

HB 261

2006

to, chapter 161, parts II and IV of chapter 373, and chapter 403.

(d) "Regulated activity" means any activity, including, but not limited to, the construction or operation of a facility, installation, system, or project, for which a permit or certification is required by law.

(e) "Site" means a single parcel, or multiple contiguous or adjacent parcels, of land on which the applicant proposes to conduct, or has conducted, a regulated activity.

(4) COMPLIANCE INCENTIVES.--In order to obtain compliance incentives, the applicant must affirmatively request such incentives as part of the permit application. Unless otherwise prohibited by state or federal law, agency rule, or federal regulation, and provided the applicant meets all other applicable criteria for the issuance of a permit, any applicant who meets the criteria set forth in this subsection is entitled to the following incentives:

(a) Level 1.--

1. An applicant shall be entitled to incentives pursuant to this paragraph at a site if the applicant conducted the regulated activity for at least 4 of the 5 years preceding submittal of the permit application or, if the activity is a new regulated activity, the applicant conducted a similar regulated activity under an agency permit for at least 4 of the 5 years at a different site in this state preceding submittal of the permit application. However, an applicant shall not be entitled to incentives under this paragraph if the applicant has a relevant compliance history at the subject site that includes any

84 violation that resulted in enforcement action and the violation
85 resulted in the potential for harm to human health or the
86 environment. Alleged violations shall not be considered unless a
87 consent order or other settlement has been entered into or the
88 violation has been adjudicated.

89 2. Level 1 incentives shall include:

90 a. Automatic renewal of permit.--A renewal of a permit
91 shall be issued for a period of 5 years and shall, after notice
92 and an opportunity for public comment, be automatically renewed
93 for one additional 5-year term without agency action unless the
94 agency determines, based on information submitted by the
95 applicant or resulting from the public comments or its own
96 records, that the applicant has committed violations during the
97 relevant review period that disqualify the applicant from
98 receiving the automatic or expedited renewal.

99 b. Expedited permit review.--The processing time following
100 receipt of a completed application shall be 45 days for the
101 issuance of the agency action.

102 c. Short-form renewals.--Renewals of permits not involving
103 substantial construction or expansion may be made upon a
104 shortened application form specifying only the changes in the
105 regulated activity or a certification by the applicant that no
106 changes in the regulated activity are proposed if that is the
107 case. Applicants for short-form renewals shall complete and
108 submit the prescribed compliance form with the application and
109 shall remain subject to the compliance history review of this
110 section. All other procedural requirements for renewal
111 applications remain unchanged. This provision shall supplement

any expedited review processes found in agency rules.

d. Rulemaking.--Within 6 months after the effective date of this section, the agency shall initiate rulemaking to implement Level 1 incentives. The rule shall specify what incentives will be made available, how applicants may qualify for incentives, and how extended permits may be transferred. Until an implementing rule is adopted, Level 1 incentives shall not be available to permit applicants under this section.

(b) Level 2.--

1. An applicant shall be entitled to incentives pursuant to this paragraph if the applicant meets the requirements for Level 1 and the applicant takes any other actions not otherwise required by law that result in:

a. Reductions in actual or permitted discharges or emissions;

b. Reductions in the impacts of regulated activities on public lands or natural resources;

c. Waste reduction or reuse;

d. Implementation of a voluntary environmental management system; or

e. Other similar actions as determined by agency rule.

2. Level 2 incentives may include all Level 1 incentives and shall also include:

a. Ten-year permits, provided the applicant has conducted a regulated activity at the site for at least 5 years.

b. Fewer routine inspections than other regulated activities similarly situated.

c. Expedited review of requests for permit modifications.

HB 261

2006

d. Agency recognition, program-specific incentives, or certifications in lieu of renewal permits.

e. No more than two requests for additional information.

(c) Rulemaking.--Within 6 months after the effective date of this section, the agency shall initiate rulemaking to implement Level 2 incentives. The rule shall specify what incentives will be made available, how applicants may qualify for incentives, and how extended permits may be transferred. Until an implementing rule is adopted, Level 2 incentives shall not be available to permit applicants under this section.

Section 2. Subsection (5) is added to section 161.041, Florida Statutes, to read:

161.041 Permits required.--

(5) The Incentive-based Permitting Program provisions of s. 403.0874 shall apply to all permits issued under this chapter.

Section 3. Subsection (3) is added to section 373.219, Florida Statutes, to read:

373.219 Permits required.--

(3) The Incentive-based Permitting Program provisions of s. 403.0874 shall apply to all permits issued under this part.

Section 4. Subsection (6) is added to section 373.413, Florida Statutes, to read:

373.413 Permits for construction or alteration.--

(6) The Incentive-based Permitting Program provisions of s. 403.0874 shall apply to permits issued under this section.

Section 5. Subsection (7) of section 403.087, Florida Statutes, is amended to read:

HB 261

2006

168 403.087 Permits; general issuance; denial; revocation;
169 prohibition; penalty.--

170 (7) A permit issued pursuant to this section shall not
171 become a vested right in the permittee. The department may
172 revoke any permit issued by it if it finds that the
173 permitholder:

174 (a) Has submitted material false or inaccurate information
175 in the his or her application for such permit when true or
176 accurate information would have warranted denial of the permit
177 initially;

178 (b) Has violated law, department orders, rules, or
179 regulations, or ~~permit~~ conditions directly related to such
180 permit;

181 (c) Has failed to submit operational reports or other
182 information required by department rule or regulation directly
183 related to such permit; or

184 (d) Has refused lawful inspection under s. 403.091 at the
185 facility authorized by such permit.

186 Section 6. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 705
SPONSOR(S): Littlefield
TIED BILLS:

Surplus State Lands

IDEN./SIM. BILLS: SB 1512

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Environmental Regulation Committee		Perkins <i>RP</i>	Kliner <i>[Signature]</i>
2) Transportation & Economic Development Appropriations Committee			
3) State Resources Council			
4) _____			
5) _____			

SUMMARY ANALYSIS

The bill amends surplus land statutory provision to permit the Department of Environmental Protection (DEP) to return any parcel of surplus land less than three acres in size that was gifted or conveyed to the state by a fair association prior to 1955. The land may be returned by the state to the fair association at no cost provided the DEP files a notice of intent to surplus by July 1, 2007.

The bill provides for this statutory provision to expire on July 1, 2007.

The bill does not appear to have a significant fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Section 253.034, F.S., provides the criteria for the state to dispose of surplus lands. State lands identified as surplus are offered to local governments first and if the local governments have no interest in acquiring the proposed surplus property, the surplus land is then available for sale on the private market.

Currently, there is no surplus criteria identified in statute associated with lands previously gifted or conveyed to the state by a fair association incorporated under Chapter 616 F.S.

Effect of Proposed Change

The bill amends section 253.034(6), F.S., surplus land statutory language, to permit the DEP to return any parcel of surplus land less than three acres in size that was gifted or conveyed to the state by a fair association prior to 1955. The land may be returned by the state to the fair association at no cost provided the DEP files a notice of intent to surplus by July 1, 2007.

The bill provides for this statutory provision to expire on July 1, 2007.

C. SECTION DIRECTORY:

Section 1. Amends s. 253.034(6)(f), F.S., regarding surplus state-owned lands.

Section 2. Provides the act will take effect July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Bureau of Appraisal, Division of State Lands, has estimated a value range for the property to be between \$130,000 to \$175,000 and the improvements located on the property to range in value from \$0.00 to \$30,000. Note, this is not an official appraised value; however, it is indicative of a potential range of value for the property and improvements based on comparable sales in the area. If the state were to surplus this land to the private market, the state would expect revenue based on the fair market value of the appraised value of the property.

2. Expenditures: None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues: None.

2. Expenditures: None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.

D. FISCAL COMMENTS: None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other: None.

B. RULE-MAKING AUTHORITY: Rule making is not addressed in this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The parcel of land related to this bill is located in Pasco County, Florida and was conveyed to the State Board of Education from the Pasco County Fair Association in 1954. The property was to be used by the University of Florida Agricultural Experiment Stations as a Poultry Diagnostic Clinic. The Pasco County Fair Association requested that in the event the property would no longer be used by the experiment station that the property would revert back to the Pasco County Fair Association. However, the deed did not contain such a reverter clause.

Division of Forestry (DOF) Comments:

The property referred to in HB 705 was deeded to the Board of Education by the Pasco County Fair Association in 1954. It was used as an animal diagnostic lab until the mid-1990's, and was then leased to DOF by the Trustees in 1996. The improvements made by the Division of Animal Industry were transferred to DOF's inventory in September 1996. If the bill passes the land would revert back to the Pasco County Fair Association. The improvements were built after the title transferred to the State. There are two improvements on the DOF property inventory - a concrete block structure and a fence. The DOF objective is to dispose of the building without any significant expense. The Pasco County Fair Association advises that if the legislation passes and the building is put out for bids, the Pasco County Fair Association will submit a bid so if a third party does not purchase the building to be moved off site, the Pasco County Fair Association will acquire the building. This would achieve DOF's objective on the structures.

DEP Comments:

The department is only aware of one parcel that would fit the criteria in the bill at the present time and recommends the bill be amended to reflect the following language underlined:

Notwithstanding subparagraph 1., any parcel of surplus lands, less than 3 acres in size, that was acquired by the state prior to 1955 by gift or other conveyance for no consideration from a fair association incorporated under chapter 616 for the purpose of conducting and operating public fairs or expositions, and for which the department has filed by July 1, 2007, a notice of intent to surplus, shall be offered for reconveyance to such fair association at no cost, but for the fair market value of any

building or other improvements to the land, unless otherwise provided in a deed restriction of record.
This subparagraph expires July 1, 2007.

Due to the specific criteria and limited effective time period, DEP does not feel this bill would have a significant impact to the Board of Trustees of the Internal Improvement Trust Fund, as long as the suggested revisions are made.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

None.

HB 705

2006

1 A bill to be entitled
2 An act relating to surplus state lands; amending s.
3 253.034, F.S.; providing for reconveyance of certain state
4 lands to certain fair associations at no cost under
5 certain circumstances; providing for expiration; providing
6 an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Paragraph (f) of subsection (6) of section
11 253.034, Florida Statutes, is amended to read:

12 253.034 State-owned lands; uses.--

13 (6) The Board of Trustees of the Internal Improvement
14 Trust Fund shall determine which lands, the title to which is
15 vested in the board, may be surplused. For conservation lands,
16 the board shall make a determination that the lands are no
17 longer needed for conservation purposes and may dispose of them
18 by an affirmative vote of at least three members. In the case of
19 a land exchange involving the disposition of conservation lands,
20 the board must determine by an affirmative vote of at least
21 three members that the exchange will result in a net positive
22 conservation benefit. For all other lands, the board shall make
23 a determination that the lands are no longer needed and may
24 dispose of them by an affirmative vote of at least three
25 members.

26 (f)1. In reviewing lands owned by the board, the council
27 shall consider whether such lands would be more appropriately
28 owned or managed by the county or other unit of local government

HB 705

2006

in which the land is located. The council shall recommend to the board whether a sale, lease, or other conveyance to a local government would be in the best interests of the state and local government. The provisions of this paragraph in no way limit the provisions of ss. 253.111 and 253.115. Such lands shall be offered to the state, county, or local government for a period of 30 days. Permittable uses for such surplus lands may include public schools; public libraries; fire or law enforcement substations; and governmental, judicial, or recreational centers. County or local government requests for surplus lands shall be expedited throughout the surplusing process. If the county or local government does not elect to purchase such lands in accordance with s. 253.111, then any surplusing determination involving other governmental agencies shall be made upon the board deciding the best public use of the lands. Surplus properties in which governmental agencies have expressed no interest shall then be available for sale on the private market.

2. Notwithstanding subparagraph 1., any surplus lands that were acquired by the state prior to 1958 by a gift or other conveyance for no consideration from a municipality, and which the department has filed by July 1, 2006, a notice of its intent to surplus, shall be first offered for reconveyance to such municipality at no cost, but for the fair market value of any building or other improvements to the land, unless otherwise provided in a deed restriction of record. This subparagraph expires July 1, 2006.

3. Notwithstanding subparagraph 1., any parcel of surplus lands less than 3 acres in size that was acquired by the state

HB 705

2006

57 prior to 1955 by gift or other conveyance for no consideration
58 from a fair association incorporated under chapter 616 for the
59 purpose of conducting and operating public fairs or expositions,
60 and for which the department has filed by July 1, 2007, a notice
61 of intent to surplus, shall be offered for reconveyance to such
62 fair association at no cost. This subparagraph expires July 1,
63 2007.

64 Section 2. This act shall take effect July 1, 2006.

FLORIDA HOUSE OF REPRESENTATIVES

ENVIRONMENTAL REGULATION COMMITTEE INTERIM PROJECT 2005-2006



MOORED VESSELS IN THE PATH OF A STORM

**Environmental Regulation Committee
1102 The Capitol**

October 2005

Overview

Hurricanes can cause catastrophic damage to marinas and vessels due to the intensity of such a storm event. In spite of the best efforts by the vessel owners and marina owners to prevent material damage to dock structures or vessels, it is an impossible task to anticipate every contingency of a major storm event. Changes in wind direction and fluctuations in wind intensity, excessive rain and storm surge wreck havoc with moored vessels and stationary docks, and often culminate in extensive damage assessments which may evolve into a dispute between the vessel owner and the marina owner. The dispute often hinges on whether the vessel caused damage to the dock, or whether the dock caused damage to the vessel during the storm.

Florida presently has statutory language which prohibits marina owners from requiring vessel owners to remove their vessel from the marina once a *hurricane watch* or *hurricane warning* has been issued.¹ The purpose of this study is to examine how other states deal with this situation and determine if there is any common ground among the marina owners and the vessel owners to balance the aforementioned property and life concerns.

Methodology

Staff worked with representatives from the marina industry and vessel owner community regarding their respective positions. Also, staff reviewed statutes and marine industry articles which focused on hurricane preparedness, and conducted telephone interviews with officials from other states.

Introduction

Florida is a unique state due to the frequency and severity of tropical storms. According to a NOAA report, between 1851 and 2004 there were 273 Category 1-5 hurricanes in the United States from Texas to Maine. Florida was impacted by 40 percent or (110) of these hurricanes. Of the Category 3-5 hurricanes, Florida was hit by (35) 38 percent of the 92 storms in this category.² In addition to the potential damage to commercial buildings and home sites that line Florida's shores, there are approximately 1 million vessels currently registered and moored in the state's waterways. A significant number of these registrants are absentee vessel owners. This combination of factors contributes to Florida's unique interaction with the countless effects from storms.³

Currently, there are nearly 2,000 marinas operating in Florida with hundreds of thousands of boaters navigating Florida's waterways. According to the Florida Department of Environmental Protection, boating is a

\$14.2 billion dollar industry that includes marinas, boatyards, and boaters.⁴

Hurricanes can be devastating to the marine industry. It is possible for marina operations to be brought to a halt, vessels damaged beyond repair, and public access to the water restricted if impacted by a major storm. Replacement and repair costs associated with such a storm event may or may not be covered by insurance. In the event that costs are not covered by insurance, the marina owner and vessel owner are left solely with the expense, which can be financially detrimental to some owners.

Florida law emphasizes the protection of life over property by prohibiting marinas from requiring vessel owners to remove their vessels from a marina once a hurricane watch or warning has been issued.⁵ A *hurricane watch* is posted when hurricane conditions are possible within 36 hours and a *hurricane warning* is posted when hurricane conditions are expected within 24 hours.

A recurring problem arises when a major storm passes over a marina raising the distinct possibility of damage to the docks to which the vessels are tied and damage to the vessels themselves. Marina owners have previously sought changes in Florida law in order to grant them authority to remove vessels before the onslaught of a major storm. Vessel owners have fought that authorization, citing the value of human life over property, and the lack of safe havens to place the vessels.

Hurricane Overview

Few things in nature can compare to the destructive force of a hurricane, which is capable of annihilating coastal areas with sustained winds of 155 mph or higher and areas of intense rainfall and a storm surge. During its life cycle, a major hurricane has been estimated to expend as much energy as 10,000 nuclear bombs.⁶

A hurricane is a violent tropical cyclone, with winds of 74 mph or more, which spiral counterclockwise around a relatively calm center known as the "eye" of the storm. Hurricanes are ranked on an intensity scale of 1 to 5. At full strength, hurricane winds can gust to more than 200 mph as far out as 20 to 30 miles from the eye. Winds of 39 mph and greater can extend 200 miles or more in advance of the hurricane. Hurricane season is June through November of each year. Damage from a hurricane can occur as a result of any or all four elements produced by a hurricane: tidal surge, wind, wave action, and rain, which can be detrimental to a marina, vessel, and human life.

¹ section 327.59, F.S.

² See Table A, NOAA Data

³ September 15, 2005 BoatU.S. response memo

⁴ HB 1121 CS, Staff Analysis 2005

⁵ section 327.59, F.S.

⁶ <http://earthobservatory.nasa.gov/Library/Hurricanes/>

Wind: Dangerous winds are common with hurricanes. Flying debris is one of the greatest threats caused by hurricane wind. The wind force from a hurricane may throw vessels into obstructions (i.e. marinas, other vessels, dock pilings, etc.) or propel objects into them. Wind may also suspend utilities, fresh water supplies and transportation. Tornadoes are also possible as a spin-off from the hurricane winds.

Storm Surge: A significant danger to marinas and vessels is storm surge. Storm surge is a rise in tide caused by the hurricane as it approaches the coast. Hurricane conditions can also cause a negative tide, forcing the water level to go far below normal. Vessels and dock structures can easily be swept away from the sheer force of a significant storm surge.

Wave Action: Wave action is another damaging effect on vessels and marinas. Factors that determine the amount of wave action include the speed of the wind, the depth of the water and the amount of open water. A vessel may come loose by the wave action and batter surrounding vessels and marina structures.

Rainfall: Rainfall varies with the hurricane size, forward speed and other factors. More than 23 inches of rainfall in 24 hours has been recorded in association with some hurricanes. Possible hazards from excessive rainfall might inhibit access to and from vessel refuge locations, cause vessel flooding, enhance currents, and increase volumes in canals and rivers.⁷

In the past decade, the southeastern United States and the Caribbean basin have been pummeled by the most active hurricane cycle on record. This year (2005) marked the first time on record that the Atlantic spawned four named storms by early July, as well as the earliest category 4 storm on record. Forecasters expect the stormy trend to continue for another 20 years or more.⁸

Until Hurricane Katrina (August 29, 2005) the 2004 Florida hurricane season was the second largest insurance event in U.S. history behind only the 9/11 terrorists attacks. The 9/11 tragedy produced approximately \$32 billion in insured losses.⁹ It is estimated that the Hurricane Katrina storm recovery cost is between \$40 to \$60 billion in insured damages. On October 24, 2005, Hurricane Wilma swept across Florida as the eighth hurricane to cross Florida in the past 15 months, causing storm recovery damage forecasts upwards to nearly \$10 billion.¹⁰

In 2004, Hurricanes Charley, Frances, Ivan, and Jeanne were among the top eight most expensive hurricanes in U.S. history, with projected insured losses of \$22.5 billion coming from more than 2 million claims.¹¹ According to a Marine Industries of Florida survey of their members, the 2004 hurricane season resulted in damage to 78 marinas, 52 of which provided damage estimates totaling \$39,698,105, for an average of \$763,425 in damages to each marina facility.¹² Since the 2004 hurricane season, the marine community appears to recognize the need for better plans for handling hurricanes – both before and after they hit.¹³

Florida Law

In 1992, the Legislature passed a comprehensive bill which the governor signed into law to address emergency preparedness problems that surfaced before and after Hurricane Andrew. An issue leading to the enactment of section 327.59, F.S., was whether vessels damage marina docks during a storm or whether the docks damage vessels, should the docking system fail.

Marina owners wanted legislation that would give them the right to evacuate marinas prior to a storm, but vessel owners objected. As a result, section 327.59, F.S., was enacted which explicitly protects citizens' safety over property on the grounds that some vessel owners would have no safe place to go or would try to "ride out" a storm on board their vessel, a potentially deadly tactic.

327.59 Marina evacuations:

(1) *After June 1, 1994, marinas may not adopt, maintain, or enforce policies pertaining to evacuation of vessels which require vessels to be removed from marinas following the issuance of a hurricane watch or warning, in order to ensure that protecting the lives and safety of vessel owners is placed before interests of protecting property.*

(2) *Nothing in this section may be construed to restrict the ability of an owner of a vessel or the owner's authorized representative to remove a vessel voluntarily from a marina at any time or to restrict a marina owner from dictating the kind of cleats, ropes, fenders, and other measures that must be used on vessels as a condition of use of a marina.*

History.—s. 22, ch. 93-211; s. 11, ch. 95-146; s. 464, ch. 95-148; s. 2, ch. 95-150.

As noted, this statutory provision prohibits marina owners from requiring the removal of a vessel from the marina following the issuance of a hurricane watch or warning. The marina owner may, however, legally

⁷ Hurricane Manual for Marine Interests, Miami-Dade County Office of Emergency Management

⁸ <http://www.cnn.com/2005/TECH/science/07/31/hurricanes.globalwrm.ap/index.html>

⁹ http://www.bloomberg.com/apps/news?pid=specialreport_index2&sid=alwAacP44mek&refer=news

¹⁰ http://www.bloomberg.com/apps/news?pid=10000086&sid=agXECPo1rG3k&refer=latin_america

¹¹ http://www.marinamanagement.com/articles/tk-12_04.html

¹² March 21, 2005, Senate Staff Analysis, CS/SB 2156

¹³ BoatU.S. Magazine, July 2005, p.20

- dictate the type of cleats, ropes, fenders, and other measures that must be used on vessels as a condition of leasing space in the marina. When proponents of the legislation voiced a "life over property" campaign for its passage, it is unclear whether there was much discussion regarding the levels of damage and potential threats from loosed vessels.

During the 2005 regular session, the Florida Legislature considered proposed legislation (HB 1121 & SB 2156), which in relevant part, allowed marina operators, upon the issuance of a tropical storm or hurricane watch, to take efforts to: 1) secure vessels to prevent damage to the vessel, the marina, or the environment, 2) charge reasonable fees for securing vessels, and 3) hold the marina harmless for such actions. The proposed legislation would have also permitted the marina owners to insert language in lease contracts allowing the removal of a vessel from its slip to protect marina property. The legislation never advanced out of the House or Senate committees.

Florida Law Challenged

In 1995, section 327.59, F.S., was challenged by a marina owner in court and the case was dismissed. A subsequent appeal of the case upheld the lower court's dismissal (*Burklow & Associates v. Belcher*, 719 So.2d 31(1stDCA, 1998)). In that case, the marina owner sued the owners of sixteen vessels stored at the marina for breach of contract and negligence, seeking to recover damages allegedly caused by the vessel owners' failure to move their vessels from the marina before a hurricane had moved ashore. The Circuit Court dismissed the complaint and the marina owner appealed. The District Court of Appeal upheld the dismissal and found the following:

- The marina owner's complaint was within admiralty jurisdiction and that federal maritime law applied;
- Federal maritime law did not preempt section 327. 59, F.S., providing that marinas may not adopt, maintain, or enforce evacuation policies requiring vessels to be removed from marinas following the issuance of a hurricane watch or warning; and
- Vessel owners had no duty to remove their vessels upon the request of the marina owner in the period prior the issuance of a hurricane watch or warning.

The District Court of Appeal further stated that an owner of a vessel which is lawfully docked at a marina, under a valid slip lease agreement that does not require the removal of a vessel in the event of a hurricane threat, does not owe a duty to the marina owner to remove his or her vessel upon the request of the marina owner during the period prior to the issuance of any hurricane watch or warning. The court stated that requiring such a duty was not logical given the insufficient probability, at any time prior to the issuance of an official hurricane

watch or warning, of a hurricane causing a vessel owner's vessel to damage a marina. The court further stated that vessel owners whose vessels were stored at a marina did owe a duty to the marina owner to exercise reasonable care for the protection of the marina property, but that duty did not include any obligation to remove their vessel upon the request of the marina owner.

The court left unaddressed the question of whether a so-called "hurricane clause" in slip lease agreements, requiring a vessel owner to remove the vessel from a marina upon the threat of a hurricane, would be void as against the public policy stated in section 327.59, F.S.

Other States

During this study, staff spoke with representatives of the marina/vessel industry and officials from other states (including Georgia, Alabama, Mississippi, Texas, and South Carolina) to inquire if they had similar statutory language to section 327.59, F.S. Representatives of these states reported that no statutory provision was in place in any state to limit the marina's ability to remove vessels upon an impending hurricane, and the responsibility for the removal of a vessel from a marina prior to a storm was based on the contractual slip rental agreement utilized by each marina.

Storm Preparedness Perspectives

Marina Owner: When a hurricane is approaching, the most advantageous option is to get the vessel out of the water. Generally vessels stored on land fare better during a storm. Even if a vessel stored ashore was blown over, the damage is usually significantly less than the damage to vessels that are bashed against a dock or seawall for several hours and then sink.¹⁴ Sunken vessels may become abandoned derelict vessels which, in turn, pose significant health, safety, and environmental hazards and are difficult and expensive to remove.

Insurance companies offer only limited coverage for sections of marinas which extend over the water, and what is offered is so expensive that many marina owners cannot afford such coverage. As a result, marina owners are left to self-insure. According to estimates by marina representatives, approximately 75 to 80 percent of Florida marinas do not have insurance coverage which extends over the water areas of the marina facility. If the marina's dock/slip area is damaged or destroyed by a storm event, the marina owner must pay for repairs or replacement out of pocket. Some marina representatives argue that the lack of affordable insurance coverage and the inability to repair or replace docks and slips may be feeding the growing trend of independent marina owners selling their facilities to condominium developers.¹⁵

¹⁴ Seaworthy, Vol. 23 No.2, April 2005, p. 9

¹⁵ An additional issue confronting marina owners in replacing dock or slip areas are costs and time associated with leasing and permitting

- Some marina owners alleged vessel owners may over-insure their vessels and purposefully leave their vessel in the water during the storm in hopes of collecting from their insurance company.

Vessel Owner: There are a variety of reasons why a vessel owner may choose to leave a vessel in the water at a marina; however, the following justifications reoccurred during conversations with vessel owners: 1) Vessel owners object to empowering marina owners with the authority to require the evacuation of vessels in advance of a pending storm, arguing that the safety of persons ought to take precedence over the protection of property; 2) Vessel owners argue that some vessel owners would have no safe place to go should a storm approach the marina location, nor are there sufficient safe anchorages, havens, or "hurricane holes" to accommodate the large number of vessels that would need to seek shelter and safety from the arrival of a hurricane; and 3) Vessel owners report that there is a limited window of time in which many vessels may be moved as draw bridges are locked down to facilitate land evacuation and roads become backlogged with hurricane evacuation traffic. According to BoatU.S., the U.S. Coast Guard is also concerned about great numbers of vessels creating navigation obstructions.¹⁶

While the vessel owner might agree that during a storm event the best place for the vessel is out of the water, due to time limitations, the expense, the number of vessels located at a marina, manpower constraints, and limited haul-out equipment, some marinas are not equipped to remove vessels within the evacuation window of time. Therefore, the vessel owner has nowhere to go and must batten down the hatches and secure the vessel with ropes tied to dock pilings hoping for the best as the vessel and marina facility face the fury of the storm.

Storm Preparedness Plan

In spite of the apparent conflicts of interest, the affected marina owners and vessel owners are encouraged to continue to work together to enhance the overall safety of life, vessels, and marina structures by developing and implementing a marina storm preparedness plan. Having a negotiated storm preparedness plan ready and working out the details ahead of time, are key components to aid in weathering a storm as safely as possible. For marina owners and vessel owners in particular, there are many things to take into consideration when planning for a hurricane.

For instance, recently in Palm Beach County, a hurricane conference was held among the marine industry and governmental entities to discuss developing a comprehensive preparedness plan that could be used or adapted elsewhere. It was reported that some 70

vessel issues were identified that need attention. The major concerns included:

- Lack of enough protected waters for boat evacuation
- Lack of enough upland storage land for vessels removed from slips
- Lack of education of vessel owners on proper vessel preparation
- Too few marinas with hurricane plans
- Too few municipalities with hurricane plans for the marine community

Recommendations discussed at the hurricane conference included the following:

- Utilize state or local parks as boat storage yards. When a hurricane is imminent, the parks are going to be closed and not likely to reopen until conditions are cleaned up, so park usage by the public should not be impacted
- Construct heavy-duty mooring cables along the Intercoastal Waterway that could be raised for vessels to tie on to during a hurricane but remain submerged when not in use
- Construct a hurricane hole as an integral part of a new marina development.
- Promote the development of a "hurricane club" which guarantees either wet or dry storage for all vessels prior to the hurricane¹⁷

Summary

As noted in the study, forecasters expect increased storm activity to continue for another 20 years or more. It appears that common ground exists between the marina owners and the vessel owners in having a storm preparedness plan in place at each marina. Working out the details ahead of time are key components to aid in weathering a storm safely. With regards to current Florida law, it remains to be determined if agreement can be reached by marina owners and vessel owners.

Policy Options

During the course of the study, several suggestions were made by various individuals in the marina/vessel industry regarding changes to current Florida law. These include the following:

- Do nothing, maintain status quo.
- Repeal section 327.59, F.S. By repealing this statute, Florida would be like other states which do not place vessel removal restrictions on marina owners due to weather conditions. The removal of such vessels could be based on a contractual agreement entered into by the

regulations with environmental authorities, but this issue lies beyond the scope of this report.

¹⁶ September 15, 2005 BoatU.S. response memo

¹⁷ BoatU.S. Magazine, Volume X, July 2005, p. 20-22

- vessel owner and the marina owner at each marina facility.
- Pursue statutory revision to section 327.59, F.S., to allow a marina owner the ability to take actions to further secure any vessel within the marina to minimize damage to the vessel, the marina property, and the environment when a hurricane watch or hurricane warning is issued. The marina owner may charge reasonable fees for the securing of a vessel and will not be held

liable for any damage incurred to a vessel from such storms and is held harmless as a result of such actions.

- Encourage vessel owners and marina owners to develop a specific hurricane plan with specific actions to take place upon the issuance of a hurricane warning or watch.

TABLE A**U.S. Mainland Hurricane Strikes by State, 1851-2004****THE DEADLIEST, COSTLIEST, AND MOST INTENSE
UNITED STATES HURRICANES FROM 1851 TO 2004**

Area	Category Number					All (1-5)	Major (3-5)
	1	2	3	4	5		
U.S. (Texas to Maine)	109	72	71	18	3	273	92
Texas	23	17	12	7	0	59	19
(North)	12	6	3	4	0	25	7
(Central)	7	5	2	2	0	16	4
(South)	9	5	7	1	0	22	8
Louisiana	17	14	13	4	1	49	18
Mississippi	2	5	7	0	1	15	8
Alabama	11	5	6	0	0	22	6
Florida	43	32	27	6	2	110	35
(Northwest)	27	18	12	0	0	55	12
(Northeast)	13	8	1	0	0	22	1
(Southwest)	16	8	7	4	1	36	12
(Southeast)	13	13	11	3	1	41	15
Georgia	12	5	2	1	0	20	3
South Carolina	19	6	4	2	0	31	6
North Carolina	21	13	11	1	0	46	12
Virginia	9	2	1	0	0	12	1
Maryland	1	1	0	0	0	2	0
Delaware	2	0	0	0	0	2	0
New Jersey	2	0	0	0	0	2	0
Pennsylvania	1	0	0	0	0	1	0
New York	6	1	5	0	0	12	5
Connecticut	4	3	3	0	0	10	3
Rhode Island	3	2	4	0	0	9	4
Massachusetts	5	2	3	0	0	10	3
New Hampshire	1	1	0	0	0	2	0
Maine	5	1	0	0	0	6	0

A Summary of the Locality Roundtable Forum

Jim Fletcher¹, Bob Swett², and Chris Combs³

INTRODUCTION

On Friday, July 29, 2005, Brevard County Commissioner Helen Voltz convened a "Locality Roundtable Forum" to discuss issues of marina siting and public access to waterways. Counties participating included: Brevard, Broward, Citrus, Collier, Duval, Indian River, Lee, Martin, Palm Beach, Sarasota, St Lucie, and Volusia. Others participating in the forum included: Canaveral Port Authority, City of Titusville, and University of Florida\IFAS\Extension. A round robin of important issues gave each county's representative an opportunity to present cases or specific situations that reflect strengths and weaknesses concerning marina siting and public access in their county. Participants were asked to consider economic and environmental issues as well as ancillary impacts of zoning, water dependent uses and boating use patterns in their comments. County representatives presented recent examples, both successes and challenges, related to marina siting and public access to waterways.

EXECUTIVE SUMMARY

The fundamental problem experienced by all counties is loss of public access to waterways coupled with increasing demand. Both problems are attributed to rapid growth and development. Population growth in Florida brings an increase in boat registrations, however limits placed on expansion of existing marinas/boatyards, and addition of new marinas/boatyards, or public boat ramps with adequate parking, have not met the demands of the increased growth.

Rapidly increasing property values, particularly along waterfronts, complicate the issue by encouraging the conversion of existing privately owned marinas and boatyards into more lucrative residential waterfront developments. Often, neither county nor city governments have the necessary resources available to purchase good boating access sites when suitable waterfront land becomes available. Therefore, strategies are needed to address funding issues: examples include creating new revenue sources such as bonds; increasing current revenue, such as registration fees; or reallocating existing revenue, such as utilizing a greater proportion of the gas tax paid by boaters. In conjunction with these options, working with the Florida Legislature to provide a dedicated funding source to purchase land for public access should become a priority.

Participants expressed frustration with reactive, rather than proactive, laws and ordinances that have contributed to current access limitations. Participants agreed that greater weight should be given to scientific information and methods during the decision-making process. To make informed decisions, officials require a research-based framework that would include, for example, a characterization of recreational boating

¹ Brevard County Extension, Univ. Florida, Cocoa, FL 32926, ² Department of Fisheries and Aquatic Sciences/Florida Sea Grant, Univ. Florida, Gainesville, FL 32611, ³ Brevard County Extension, Univ. Florida, Palm Bay, FL 32909

activities and a quantification of the supply of and demand for public access facilities.

The results from such analyses would facilitate siting public access facilities and assist with policy decisions and the development of effective regulations. In addition, such information would (1) identify legislative issues that need to be reexamined, (2) expedite the permitting process, and (3) assist lobbying efforts to secure additional funding.

To prevent duplication of efforts and to encourage innovation, a policy toolkit could be developed to facilitate sharing knowledge and experiences between localities. Toolkit contents could include successful or proposed models ordinances, resolutions, comprehensive plan policies, data collection methodologies, and standard action plans. In addition, legislative issues affecting multiple localities could be consolidated to facilitate broader support and faster and more effective action. It was suggested that the Center for Governmental Responsibility at the University of Florida Levin College of Law could assist in developing this policy toolkit and that they, or Florida Local Environmental Resource Agencies, Inc. (FLERA), might maintain the toolkit website.

Participants also recognized multiple opportunities for intergovernmental coordination to improve current program efficiencies and effectiveness. Examples of successful standardized and joint enforcement at the local, state, and federal levels should be expanded. There was consensus within the group that coordinated marine environmental and boater education programs are needed to address boating safety, water quality, and environmental and conservation issues. Regional cooperation across city and county lines could address waterway access needs that frequently cross jurisdictional boundaries. Legislative priorities that would benefit marine and freshwater jurisdictions should be circulated statewide to facilitate a coordinated lobbying process.

Finally, participants agreed that a high priority is to formalize a working group or coalition that consists of the localities that participated in the forum and invite representatives from other localities to join the coalition. This working relationship will allow localities to discuss common issues and develop solutions to issues relating to public access to waterways.

LOCAL GOVERNMENT COMMENTS (Grouped by Subject)

Regulatory Issues and Options

- Participants expressed a strong need to work regionally on many of these issues.
- As public access is lost, e.g., lost marina slips, one locality sees an increasing problem with derelict vessels because of increasing numbers of long-term anchored vessels. Cost for removal of derelict vessel currently is approximately \$150/foot, therefore the state should re-establish adequate funding to the Derelict Vessel Removal Program, Florida Fish and Wildlife Conservation Commission (FWC) Div. of Law Enforcement, Office of Boating and Waterways, to properly address the problem of derelict vessels.

- Several county commissions are very sensitive to the need to preserve public access in conjunction with new development.
- Many localities have Coastal High Hazard Zones, so hurricane evacuation and safety concerns dictate the limits to development that occur within these jurisdictions. In many localities waters are shallow, and water bodies are classified as Essential Fish Habitat. The emphasis of the State Greenways program on multiple uses has been beneficial, because it allowed for the construction of public ramps/access on Greenways public land. Localities that have extensive public land holdings, such as along barge canals, are the only ones that feel future public access is assured.
- The low level of staffing at federal regulatory offices has caused significant permitting delays in several localities, therefore permitting remains a major issue.
- Workshop participants expressed a strong interest in statewide implementation of the concept of "No-Net-Loss" of public access to waterways.
- In at least one locality, because land use directly impacts waterfront use, new coastal developments must build boat ramps with adequate easement, then ramps and easements are turned over to the locality, which then maintains it. This locality also characterizes the need for boat ramps based on the number of boaters who live within a 2 mile radius of current ramps.
- During discussion, Monroe County was referenced as considering rezoning as one method to address loss of public access.
- Localities would like to see an analysis of supply/demand economic impacts (before and after), i.e., how does the loss of a facility affect the county/region economically? Lee County is serving as the pilot county for a statewide boating facility inventory and economic study being conducted by the FWC Office of Boating and Waterways.
- While a few areas are increasing access capacity (such as recent approval for 967 dry storage units at one locality), the ability to modify existing infrastructure modifications is a major concern. The locality where permission was granted has limited upland parking/support space to accommodate further increases.

Economic Issues

- Localities need more wet slips, dry slips, boat ramps, and parking spaces. As access becomes more limited, there is a tendency for access inequities to lead to social justice issues.

- Rapid loss of public access to waterways has reached crisis proportions. Recent sales of large marinas/boatyards, together with rapid population increases, yields an increasing rate of loss of public access to waterfronts, and a net loss of wet-slips. Most dry-storage boats are not used very much, so waterways impacts are diminished. Most private docks are not used as much as docks as they are as "back porches," so waterways impacts are minimized.
- One locality cited a multi-author 1986 Florida Sea Grant paper that addressed water issues in Florida and that forecast today's waterfront access issues. Since then, municipal and county governments have been priced out of the waterfront real estate market. This locality needs more boat ramps because most boats are trailered. Owners of trailered boats comprise the most affected group, thus, "discrimination" is a reality. The locality is presently revamping one public boat ramp, permitting one boat ramp, and has bought a privately-owned ramp for \$3.5 million.
- One county implemented a countywide cap on the number of boat slips; once the limit is reached, future private property owners will be denied permission to install new slips. Once the cap is reached, a legal challenge is expected; the locality is proposing "slip-banking/slip-trading," which effectively creates a market.
- One county has seen a 20 percent reduction in overall slips because of conversion (aggregation) of slips for mega-yachts. County boat registrations are flat and the reason is unknown. Some cities are passing ordinances prohibiting citizens from keeping boats in their yard.
- One locality is losing dry storage slips by conversion to large wet slips for yachts.
- In one county, state implemented speed zones eliminated three of only four boating-related recreation zones
- A major problem being experienced by one locality is due to effects on commercial and recreational fishing of freshwater discharges from Lake Okeechobee into the Indian River Lagoon. Fishing supports many local access points economically (e.g., marinas) and to the extent that freshwater discharge (quantity, quality, and timing) disrupts or diminishes fishing, then waterfront conversion may take place to preserve economic solvency.

Land Acquisition Comments

- One county has not seen a public to private conversion problem over the past three years. This locality was prescient enough to issue a \$20 million bond ten years ago to purchase public access properties. Today they have 10 public boat ramps and 50 private boat ramps.

- One county recently issued a \$50 million bond to purchase land for public access, but that amount no longer equals large purchasing power. Economics has become the primary driver of loss of public access. Federal and local buyouts of development rights, with some property purchases, are methods to improve public access.
- One locality recently started a land acquisition program, and intends to develop a waterfront access program.

Data Acquisition Needs

- All localities need science-based information upon which to base development of Manatee Protection Plans (MPP). Most localities do not have adequate data. What is carrying capacity? How do we evaluate critical mass? No standard methodologies have been established.
- One locality has a MPP, and manatee speed zones, originally based on “hard” data and analysis, including a 10-year database of manatee observations and mortality data. Manatees do not occur year-around because this locality is too far north. Their problem: Federally imposed speed zones that resulted from litigation and that make “absolutely no sense” (e.g., one Slow Speed Zone is located in an area with 60 foot depths where no mortalities were reported during the 10 year monitoring period). The Federal zones occur in areas where no manatee mortality has occurred, and these litigation-imposed zones were not based on existing and recently available manatee population data and data analysis.
- Several localities used manatee-tracking databases to create their MPPs. A benefit of data-based MPPs is that they can provide certainty, through a level of predictability, when development plans or applications are reviewed. One locality’s MPP was based on analysis of large and long-term data sets, supplemented by new data sets incorporated every five years. This regular, periodic, one-time analysis lowers overall costs, since it does not need to be repeated for each subsequent development application. Recently, a \$16 million waterfront property purchase by one locality was made possible by access to immediately available updated data. One locality MPP classifies facilities as Preferred, Conditional, or Non-preferred; no further evaluation for permitting is needed for Preferred facilities.
- One locality MPP does not yet include a marine facility-siting component. In 2003, the FWC ruled that this locality could not site any more marinas until the marina facility-siting component of their MPP was completed.

Intergovernmental Coordination

- A need was indicated by participants to unify efforts among counties by forming a working coalition with common goals and an action plan.

PRIORITY ISSUES AND OPTIONS

Following the round robin discussion of issues, participants listed high priority issues that could be addressed through further group action. Proposed options are summarized below, but not prioritized, into six main areas.

Land Acquisition Options

1. Provide tax relief/incentives for working waterfronts
2. Purchase development rights from working waterfronts
3. Pass local bond referendum to purchase waterfronts for public access
4. Work with the State legislature and agencies to develop dedicated funding source; for example, lift the cap on the marine fuel tax, raising boat registration fees and/or expanding them to include non-motorized vessels, or seeking dedicated document stamp revenues
5. Advertise local government desire to purchase waterfront land for public access from willing sellers

Regulatory Options

1. Add permitting staff to speed permit reviews
2. Develop and utilize density credits for the provision of public access on private lands
3. Develop slip aggregation/consolidation and trading plans
4. Require "No-Net-Loss" of working waterfront
5. Prohibit zoning or land use changes that result in loss of public access
6. Develop a policy tool kit

Data Acquisition Needs

1. Collect scientific and economic data
2. Data, not politics, should drive decision-making

Intergovernmental Opportunities:

1. Enforcement – local, state and federal enforcement teams working on collective priorities through standardized means
2. Boater education, including via a state-mandated boat-operator license
3. Joint lobbying efforts - Florida Association of Counties, League of Cities, FLERA
4. Cooperate across local jurisdiction lines to develop regional access through joint facilities

Policy Toolkit Ideas

1. Develop and share sample/model ordinances and comprehensive plan policies
2. Provide a common location to view all local ordinances/plans (e.g., a web-based clearing house)
3. Uniform methodologies for data collection
4. Develop and share draft/model resolutions
5. Create action plan

Other Issues Suggested

1. Equity/social justice issues
2. Water quality
3. Mitigation
4. Use causeway right-of-ways to develop public access boat ramps and parking
5. Unified regulations, and uniform waterway markers statewide.
6. Develop inland parking, work areas, and dry stacks with rail delivery to the water for public access and hurricane evacuation
7. Prohibit increases in development intensity within the Coastal High Hazard Zone
8. Require a percentage of public access slips at new private developments
9. Develop mooring fields and gain local authority to remove derelict boats
10. Allow a greater dry stack to shoreline ratio, since dry stack boats launch less frequently than do boats launched from marina wet slips or boat ramps
11. Water Quality Improvements/Restoration – one locality needs clean water for mitigation
12. Reach out to all waterfront municipalities and counties for collective action by becoming a part of this working coalition

TOP PRIORITIES

Forum participants agreed upon the following four priority areas; however, it was agreed that the priorities should be fleshed out in the near future using a consensus-based approach. Several group members suggested forming a coalition of municipalities and counties impacted by public boating access issues, and developing a coalition Mission Statement

1. Create an Action Plan to increase State funding for land acquisition, etc.

Interested localities should unify and organize a lobbying effort that works with legislative delegations to generate broad support for the establishment of a dedicated funding source to purchase public access rights to waterways. Successful implementation of such a dedicated State funding program will require action plan elements that estimate land acquisition needs, and develop uniform criteria for prioritizing the annual expenditure of available funds.

2. Dedicated funding for public access, improving water quality, and enforcement

Expand lobbying efforts to also address water quality and enforcement issues. Concern was expressed about requesting too much at once from the legislature and getting nothing as a result. The group could develop an action plan (timeline) for how and when to best address critical needs, especially building on current, coordinated, multi-agency enforcement initiatives.

3. Utilization of the land for public access

a. Criteria for exemptions

Considerable support exists for the development of a policy toolkit that contains successful and proposed local government policies and programs that provide incentives

(1) to retain working waterfronts and (2) for new developments, or changes in existing use, to maintain some level of public access. Multiple localities expressed interest in creation of an internet-based clearinghouse to house the policy toolkit.

4. Development issues/impact fees

a. Education

Improve public awareness of development issues, and boater awareness of aquatic resource issues, with a goal to encourage better stewardship of marine and coastal environments.

Planning for Public Access to Florida's Waterways

A Presentation to the
Environmental Regulations Committee
Florida House of Representatives

Representative Mitch Needelman, Chair

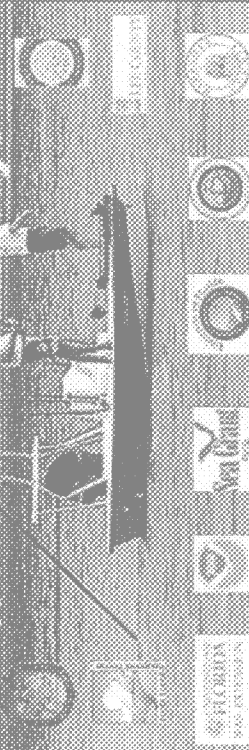
By

University of Florida / IFAS / Florida Sea Grant

February 22, 2006

The University of Florida / IFAS Florida Sea Grant Boating and Waterway Management Program

Planning for Public Access to Florida's Waterways



Sea Grant is a partnership of

- Florida's universities
- NOAA
- Florida's citizens, industries, and governments.

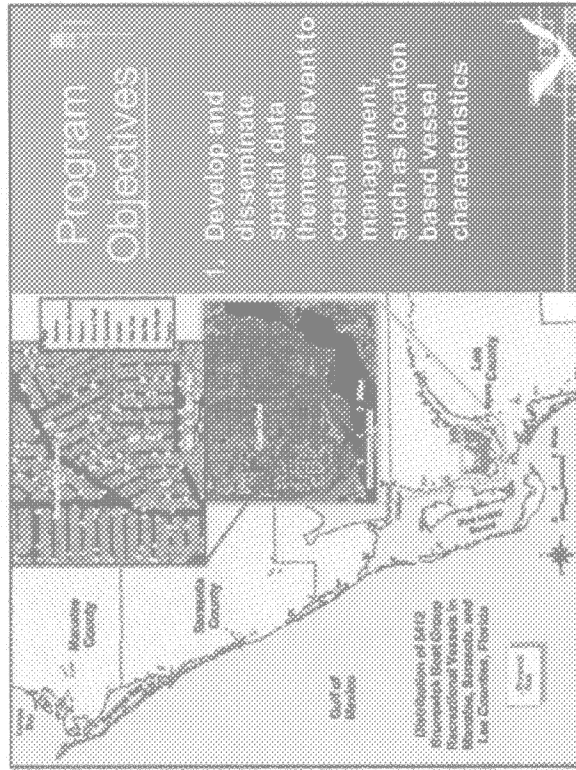


2006 begins Sea Grant's 35th year in Florida.

Boating and Waterway Management Program Goals

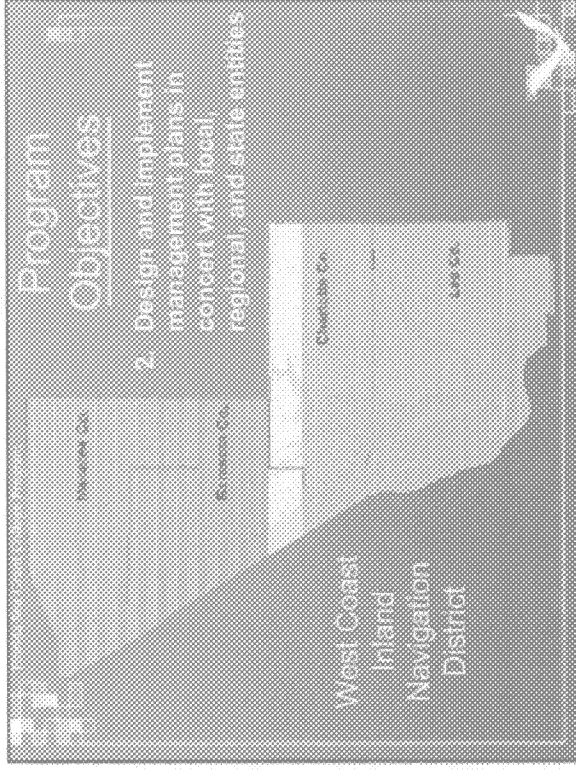
Develop scientific information, tools, and methods that:

- (1) serve as input to comprehensive coastal resource planning and management activities, and that are
- (2) designed to create and ensure a sustainable economy and environment.



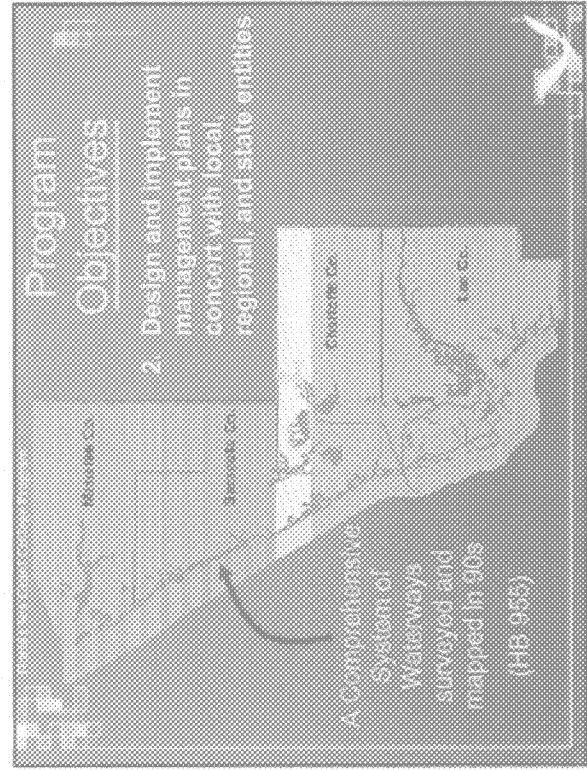
Program Objectives

1. Develop and disseminate spatial data themes relevant to coastal management, such as location based vessel characteristics



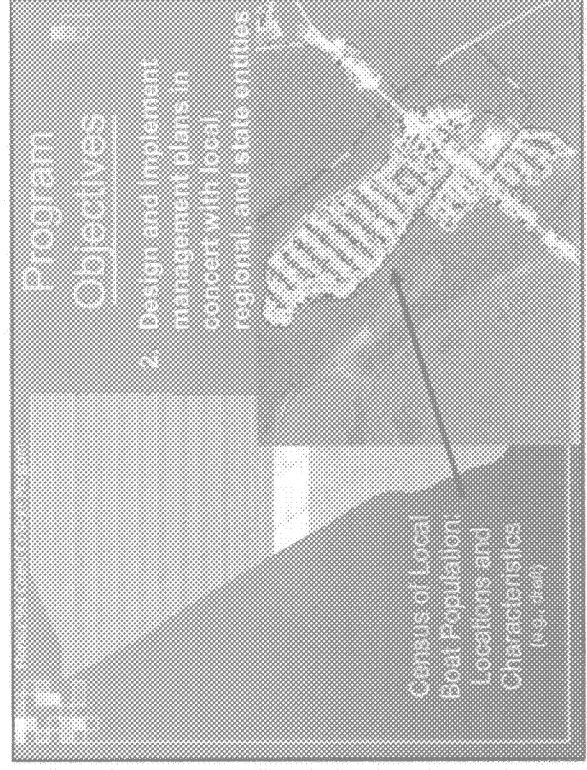
Program Objectives

2. Design and implement management plans in concert with local, regional, and state entities



Program Objectives

2. Design and implement management plans in concert with local, regional, and state entities



Program Objectives

2. Design and implement management plans in concert with local, regional, and state entities

Program Objectives


- Design and implement management plans in concert with local, regional, and state entities


Regional Waterway Management System

Regional
Waterway
Management
System

Charlotte Co

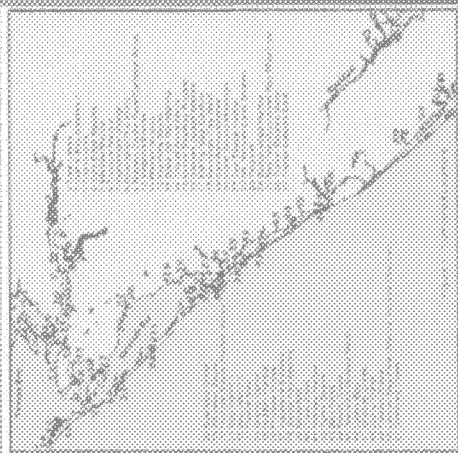
Lee County

 **FLORIDA**
DEPARTMENT OF
TRANSPORTATION

 **Sunland**
1988

Program Objectives

3. Policy Initiatives, such as General Permit for Maintenance Dredging of the waterway transportation infrastructure



The map shows the coastal region of the Republic of Serbia, including the city of Zadar and the surrounding area. The map is oriented with North at the top. The coastline is marked with several points of interest, including the city of Zadar, the Zadar Bay, and the Zadar Peninsula. The map also shows the surrounding land areas, including the city of Zadar and the surrounding area. The map is a detailed representation of the coastal region of the Republic of Serbia.

Program Objectives

Florida Administrative
Rule Chapter 62-341.490

3. Policy initiatives,
such as General
Permit for
Maintenance
Dredging of the
waterway
transportation
infrastructure

The collage includes several circular logos with different designs, some featuring the word 'FLORIDA' or 'DOT'. There are also two maps: one showing a coastal area with a large bridge or causeway, and another showing a more detailed view of a waterway or coastline.

[illegible][illegible]

```

graph TD
    subgraph LeftColumn [ ]
        direction TB
        CM[Characterize Management]
        CB[Characterize Buoyies]
        CV[Characterize Vessels]
        CE[Characterize Environments]
        CW[Characterize Waveways]
    end

    DB[(Database / Knowledge)]
    
    C[Classical  
Slips  
Buoys  
Ramps  
Docks  
Missions]
    S[Segment  
Maneuvers  
Bathymetry  
Radar]
    
    AT[Analytical Toolbus]
    GUI[GUI]
    ET[Education Toolbus]
    
    T[Tutorial  
Analysis  
Models  
Implications]
    DP[Decision Process]
    I[Interpretation]
    CI[Composite Index]

    LeftColumn --> DB
    DB --> C
    C --> S
    S --> AT
    AT <--> GUI
    GUI <--> ET
    ET --> T
    T --> DP
    DP --> I
    I --> CI
    CI --> CI
  
```





Program Objectives

4. Develop GIS-based decision support systems

Partnerships

- Federal—NOAA Coastal Services Center, NOAA Marine Chart Division, Environmental Protection Agency
- State—Florida Fish and Wildlife Conservation Commission, Department of Environmental Protection, Department of Community Affairs
- Regional—West Coast Inland Navigation District, Tampa Bay Estuary Program, Jupiter Inlet District, Southwest Florida Regional Planning Council, St. Augustine Port, Waterway, and Beach District
- County—Charlotte, Collier, Lee, Manatee, and Sarasota
- Municipal—City of Anna Maria, City of Bradenton Beach, City of Palmetto
- Boaters Organizations—Boaters' Action and Information League, Sarasota Sailing Squadron
- Industry—Southwest and South Florida Marine Industry Associations, Brunswick Corporation

- **Federal**—NOAA Coastal Services Center, NOAA Marine Chart Division, Environmental Protection Agency
- **State**—Florida Fish and Wildlife Conservation Commission, Department of Environmental Protection, Department of Community Affairs
- **Regional**—West Coast Inland Navigation District, Tampa Bay Estuary Program, Jupiter Inlet District, Southwest Florida Regional Planning Council, St. Augustine Port, Waterway, and Beach District
- **County**—Charlotte, Collier, Lee, Manatee, and Sarasota
- **Municipal**—City of Anna Maria, City of Bradenton Beach, City of Palmetto
- **Boaters' Organizations**—Boaters' Action and Information League, Sarasota Sailing Squadron
- **Industry**—Southwest and South Florida Marine Industry Associations, Brunswick Corporation




Florida Sea Grant
Florida Fish and Wildlife Conservation Commission

A Recreational Boating GIS




For Sustainable Florida Waterways

A Partnership Between




Florida Sea Grant, the Florida Fish and Wildlife Conservation Commission, Fish and Wildlife Research Institute, the West Coast Inland Navigation District, and Sarasota County




Florida Sea Grant
Florida Fish and Wildlife Conservation Commission
West Coast Inland Navigation District
Sarasota County




Florida Sea Grant
Florida Fish and Wildlife Conservation Commission
West Coast Inland Navigation District
Sarasota County




Florida Sea Grant
Florida Fish and Wildlife Conservation Commission
West Coast Inland Navigation District
Sarasota County




Florida Sea Grant
Florida Fish and Wildlife Conservation Commission
West Coast Inland Navigation District
Sarasota County




Florida Sea Grant
Florida Fish and Wildlife Conservation Commission
West Coast Inland Navigation District
Sarasota County

Florida Sea Grant
Florida Fish and Wildlife Conservation Commission
West Coast Inland Navigation District
Sarasota County

Florida Sea Grant
Florida Fish and Wildlife Conservation Commission
West Coast Inland Navigation District
Sarasota County

Florida Sea Grant
Florida Fish and Wildlife Conservation Commission
West Coast Inland Navigation District
Sarasota County

- Characterize the preferences, activities, and use patterns of boater populations.

Questions to be Answered

- Who are the boaters? (demographics)
- Where are boaters coming from?
- Where and how do they access the water?
- Where do they travel on the water?
- What are preferred destinations?
- What activities are conducted?

Waterway Access Facilities

- Marina Wet Slip
- Dry Storage Facility
- Public Ramp
- Private Dock

Marina Sample

Visited the Marina in
Hillsborough, Pinellas, Manatee,
Seminole, Charlotte and Lee
Counties

Logged vessel registration
number or vessel name and
hailing port

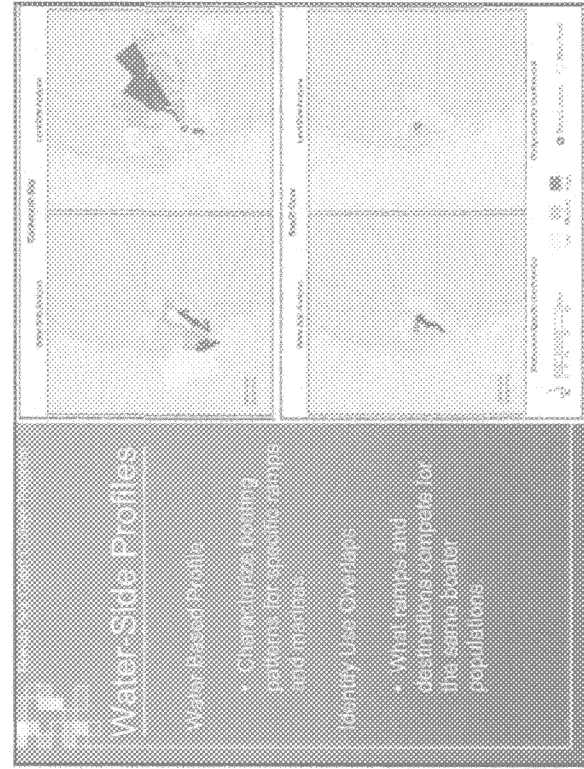
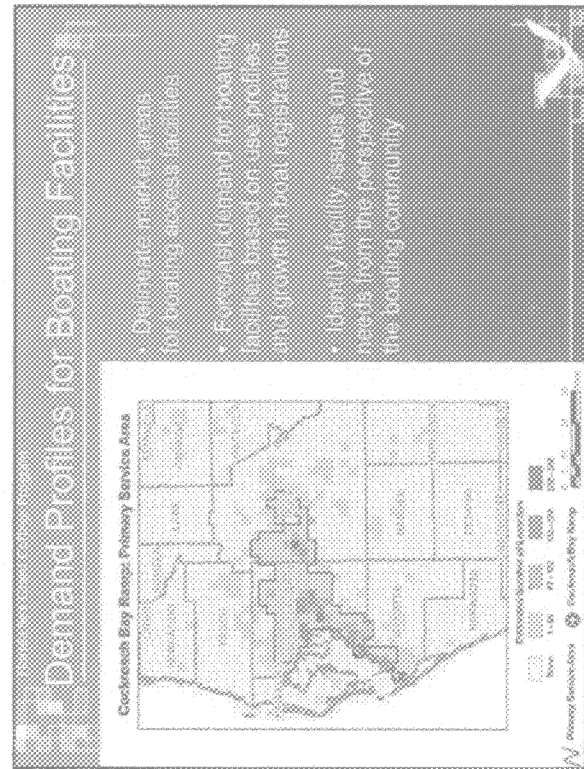
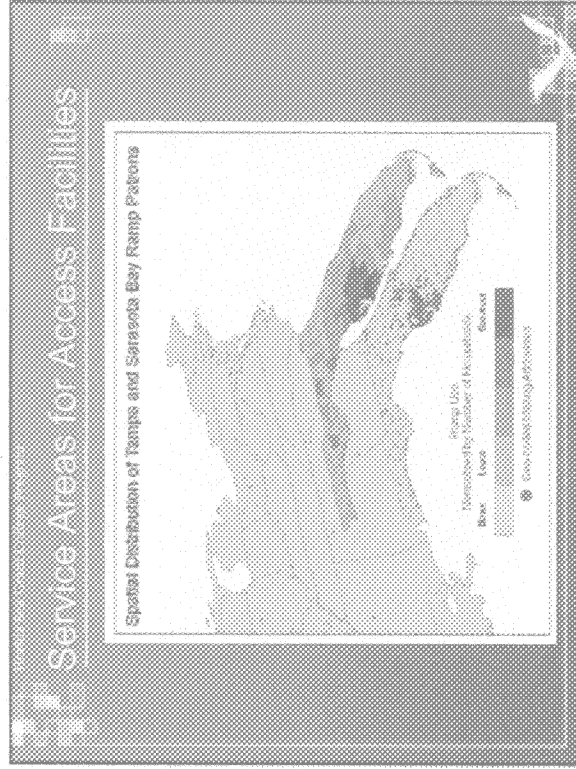
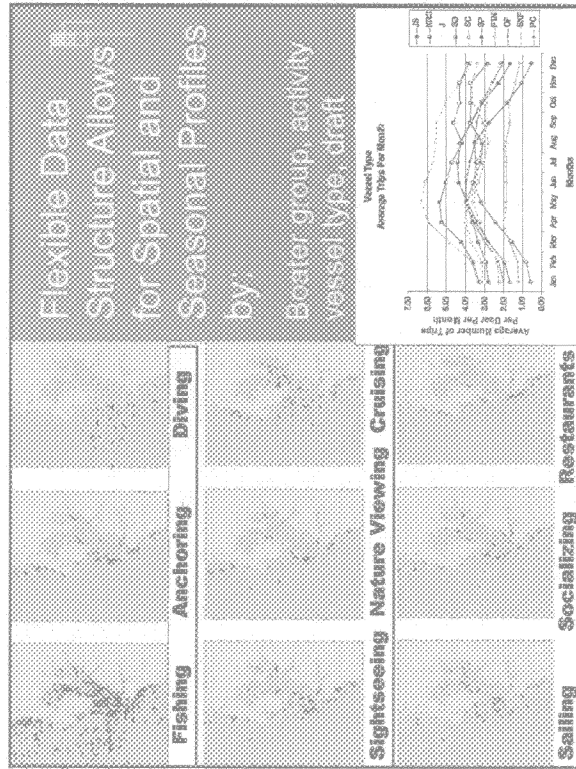
Owner names and addresses
from VHS or USCG databases

Ramp Sample

Visited all ramps in
Hillsborough, Pinellas, Manatee,
Seminole, Charlotte and Lee
Counties

Logged auto tag numbers



Owner names and addresses
from DHSMV database



Florida Department of Transportation
Florida Department of Transportation
Florida Department of Transportation

Impact Assessments

- Accidents & citations
- Seagrass
- Manatee occurrence






Benefits

- Data visualization tool for public and inter-agency collaborative building
- Maps boating types (engines, hours, and water access point) - leaves routes, launch sites, along the coasts, and locations of perceived congestion
- Spatially evaluate human use with environmental conditions (e.g. manatees)



Mail survey method:

- Captures motivations and behaviors (e.g., boating skills, knowledge, readiness, timing, frequency, duration of trips, activities)
- Identify information / management needs from boaters
- Distribute information/educational materials to the boating public
- Provides a voice for the boating community as input to the planning process

Data Uses

- **FWC FWRI** – Determine land and water use profiles and demand for public boat ramps
- **FWC Imperiled Species Management** – Evaluate manatee speed zones and protection areas - MPDSS
- **FWC Boating & Waterways Section** – Lift speed restrictions during post hurricane recovery efforts, locate waterway signs and markers in Tampa Bay.
- **Sarasota County** – Support marine facility siting and manatee protection plan updates

Realizing an Inland Waterway System

The Florida Sea Grant

Boating and Waterway Management Program

and PARTNERS







